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C O N F I D E N T I A L CARACAS 000651

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TAGS: [PGOV](#) [PHUM](#) [VE](#)

SUBJECT: CIVIL REBELLION CHARGES SPARK PROTESTS IN MERIDA

REF: A. CARACAS 552

[B](#). CARACAS 3161-2003

[C](#). CARACAS 2032-2003

[D](#). CARACAS 1746-2003

Classified By: Abelardo A. Arias, A/DCM, for reasons 1.4 (B) and (D)

Summary

[1](#). (C) Pro-GOV Merida State Governor Florencio Porras ordered an investigation against 24 opposition-aligned citizens in January, alleging civil rebellion stemming back to events in April 2002, when President Hugo Chavez was briefly removed from power. Students led violent protests January 29 and February 12 in support of the implicated Meridians, which include student leaders and professors. Opposition leaders have characterized the charges as a political witch hunt, timed to leave them leaderless during regional elections and distract attention from presidential recall efforts. Pro-GOV contacts largely confirmed the political timing of the charges, although they defended the Governor's right to press them. End Summary.

24 Opposition Leaders Accused of "Civil Rebellion"

[2](#). (U) Pro-GOV Merida State Governor Florencio Porras (Fifth Republic Movement or MVR) started an investigation in January implicating 24 opposition-aligned political, business, and student leaders in civil rebellion during April 12, 2002. The alleged rebellious acts the morning after President Hugo Chavez was briefly removed from power involved opposition supporters gathering outside the statehouse to demand Porras also step down. University of the Andes (ULA) professor and ex-Merida Mayor Fortunato Gonzalez told poloff February 5 that prosecutor Danilo Anderson delivered summons January 22 for 15 to 16 members of the group to attend a formal reading of the charges January 29, which also include conspiracy, assault, and deprivation of movement. In addition to Gonzalez, Porras is accusing student leader Nixon Moreno, Merida Chamber of Commerce President Cesar Guillen, Merida Mayor and gubernatorial candidate Carlos Belandria (Democratic Action or AD), and gubernatorial candidate and former governor Jesus Rondon Nucete (Christian Democrat or COPEI), among others.

Opposition Attacks Charges as Unconstitutional

[3](#). (C) Guillen explained that he and seven other implicated Venezuelans filed a joint motion to throw the charges out on constitutional grounds. The judge concluded February 4 that he was not competent to rule on the matter. Anderson claimed Judge Arambulo Brady was prejudiced against him and requested another judge February 3. Convergencia party leader Luis Izarra told poloff February 17 that the appeals court rejected Anderson's argument February 12 and returned the case to Brady.

[4](#). (C) Dr. Marcos Avilio Trejo said when Anderson read him the charges he learned he was being singled out for comments published April 11, 2002, regarding the possible constitutionality of a coup outlined in article 350. According to Trejo, the Governor has repeatedly berated and implied the guilt of the implicated on his weekly radio show, for example saying "they should start working out to prepare for the penitentiary Olympics." Trejo claimed the case should be thrown out on the basis of a document signed by 16 public officials on April 12, 2002, including Porras, stating the Governor never resigned and was never detained.

Opposition: Charges are a Political Witch Hunt

[5](#). (C) Seven implicated contacts told poloff Army Gen. Wilmer

Moreno, who had taken control of statehouse security, summoned them and others to the statehouse April 12 to restore calm and discuss forming a transitional government.

Gonzalez asserted that all 200 opposition-aligned Venezuelans who entered the statehouse at some point on April 12, 2002, could ultimately be charged, though he speculated many of them have already paid to get off the list. He alleged that Gov. Porras intentionally accused a broad range of Venezuelans, including political, business, academic, and student leaders, to send the message that no one was beyond his reach, including three Venezuelans who were not "anywhere near the statehouse" during April 12.

16. (C) Ultimately, Gonzalez said they will prove "that we did not ever detain, threaten, or attack" Porras. Gonzalez lamented that having the law on their side might not matter because "this is a purely political process with an executive officer (Porras) controlling the judicial branch." Opposition contacts universally told poloff February 4 and 5 that the real motive for the charges is to deflect attention from efforts to convoke a presidential recall referendum, install fear in the opposition, and leave them leaderless during regional elections.

Most MVR Sources Agree Charges are a Political Tool

17. (C) Two out of three pro-GOV Merida contacts that discussed the issue with poloff agreed that the charges were political in nature. National Assemblyman Luis Velazquez (MVR) told poloff February 11 that the events of April 12 constituted an "extreme" lack of respect for the Governor, but that they did not rise to the level of civil rebellion and Porras knows it. He said the charges, almost two years after the event, were timed for "political effect" and that the case would fall apart after the August regional elections before any of the implicated spends any time in jail. Nevertheless, he defended Gov. Porras' right to press charges because "they hit him" and entered his offices without consent.

18. (C) MVR state representative Guevara told poloff February 4 that the crowd's actions in 2002 did not constitute rebellion and that most of them gathered because "it was ambiguous what to do in this situation and people had heard that the Governor resigned." However, he argued that Porras had every right to exaggerate the charges and time them to his greatest political advantage as "a question of strategy."

19. (C) Gov. Porras' Secretary, Luis Martin, defended the substance and legality of the charges, claiming the crowd intended to kill Porras and his inner circle. Martin admitted to poloff February 5 that media video and photos were the prosecution's only evidence, but argued that was enough "to prove all those implicated were there or we wouldn't have cited them." He also maintained that it was normal to have a special prosecutor in special cases, citing precedence in murder cases.

Charges Spark Violence in Student Protests

110. (C) Student-organized protests broke out January 29 and February 12 in Merida in support of the implicated. University of the Andes (ULA) student president Nixon Moreno told poloff February 17 that other students protested across Venezuela February 12 to show solidarity with the Merida students, protest decisions made by the National Electoral Council (CNE), and celebrate the Day of Youth (ref a). Moreno claimed five students, one opposition protester, one reporter (Victor Ferra with newspaper Cambio de Siglo), and 16 police were injured during the February march. He explained the February march was peaceful until state police started firing tear gas. Moreno, one of the implicated, said he also faces similar charges of civil rebellion and public damage for organizing the protests.

111. (C) Moreno claimed 12 students and four police were injured in the January 29 protest. Moreno was one of five students seriously injured with plastic bullets after he urged protesters to cross police barricades from the roof of a police paddy wagon. Moreno maintained the January 29 protest was necessary to prevent Gov. Porras from imprisoning

the implicated after they formally received the charges at the state prosecutor's office the same day, a common sentiment in opposition circles. (Note: Tachira state Governor Blanco La Cruz imprisoned nine opposition leaders similarly charged with civil rebellion during April 12, refs b and c). However, Chamber of Commerce President Guillen told poloff February 4 that the "demonstration was important, but wouldn't have changed the outcome."

Chavistas Attack AD Headquarters While Leaders March

112. (C) AD state legislator and gubernatorial candidate Lubin Diaz told poloff February 5 that during the January 29 demonstration, a group of about 80 pro-GOV "Chavistas" ransacked the Merida headquarters of the Democratic Action (AD) party. Most of the AD leaders and staff were participating in the march at the time. Police showed up in advance, but did not attempt to restrain the crowd until they broke up the looting at about 2:30 p.m., said Diaz. He claimed the group burned a wooden door and AD documents, destroyed two nativity scenes, destroyed or stole office equipment and computers, and removed a large steel door. During the looting Esthela Lacruz, a local radio reporter, told poloff that she had to use a filing cabinet drawer for protection from projectiles from the crowd, who "did not want me to cover the story." Diaz estimated about \$7,000 of damaged. He claimed a similar attack on AD headquarters occurred February 12, 2003.

Comment

113. (C) The defense by the Merida Governor's Secretary of the charges seemed particularly hollow, especially when he failed to recall how many people were implicated or summoned ("20 something"). Additionally, when asked about the details of the case, he replied only in blank stares and uttering the mantra "they beat" the Governor. Once again, Danilo Anderson has been handed a dubious political case, confirming what his fellow prosecutors told us in June about his role as GOV hatchet man (ref d).
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